

# United States District Court

WESTERN DISTRICT OF NEW YORK

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BUFFALO LABORERS WELFARE FUND  
et al.,

v.

ASCON CONCRETE CUTTING, INC.,

## JUDGMENT IN A CIVIL CASE

CASE NUMBER: 03-CV-779-C(Sr)

☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

☒ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED, judgment is entered in favor of plaintiff against defendant in the amount of \$96,183.36. Further, the court directs that defendant shall permit an audit of its books and records for the period of January 1, 2004 until the present. That audit shall be instituted not later than 20 days upon receipt by defendant Ascon of this order. Defendant is directed to place a bond in the amount of \$3,500.00. Further, the court grants an injunction permanently enjoining defendant corporation, its officers, and agents who receive actual notice of this order from violating ERISA by failing, refusing, or neglecting to pay the required contributions and reports to plaintiffs' funds, and directing them to permit and cooperate in the conducting of an audit of defendant corporation's books and records for the term of the agreement.

Judgment is entered against the defendant directing payment of all fringe benefit contributions and interests which became due for the period of January 1, 2004 until the present.

Date: June 7, 2005

RODNEY C. EARLY, CLERK

By: /S/ Denise Collier  
Deputy Clerk

